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SERVICE DATE - JUNE 7, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-103 (Sub-No. 17X)

**The Kansas City Southern Railway Company – Abandonment Exemption –
in Jackson County, MO**

BACKGROUND

In this proceeding, The Kansas City Southern Railway Company (KCSR) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for KCSR to abandon approximately 1.3 miles of rail line known as the Second Street Track, located in Kansas City, Jackson County, MO. The Second Street Track consists of two segments. The first segment, referred to as Track 500, runs from Milepost 0+/-, located in an unused rail yard, to Milepost 0+5188'+/-, at the crossing of the Second Street Track and a Union Pacific Railroad Company line. The second segment, referred to as Track 741, branches off northwest from Track 500 between Main Street and Grand Avenue at Milepost 0-W of that line, and continues west to approximately Milepost 0+1518'-W. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, KCSR will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to KCSR, the Second Street Track has been operated since the 1890's. The right-of-way for Track 500 was constructed pursuant to permission granted in several ordinances enacted by the City of Kansas City, Missouri, commencing in 1887. The ordinances did not specify a width for the right-of-way, but did specify that the permission was to be exercised "upon Second Street", which is generally 60 feet in width. Track 741 is located on privately held right-of-way that was acquired in lots of various sizes. It is generally between 32 feet and 100 feet in width. The topography is generally flat with a gradual ascent from East to West. The line is in a developed, urban setting. Once abandonment approval is obtained, KCSR will remove any salvageable rail and track materials and liquidate other saleable assets.

The only known railroad structure on the line which is 50 years old or older is a 70 foot timber-deck, steel-girder bridge spanning Delaware Street. The bridge appears to have been constructed when Track 741 was originally built, around 1892.

According to KCSR, there are no longer any active shippers on the Second Street Track. The abandonment will eliminate an unused railroad facility, tracks, yard, and right-of-way, allowing community redevelopment in the neighborhood to move forward. In addition, the abandonment will improve public safety by the elimination of approximately eight crossbuck-protected at-grade crossings. The Second Street Track has been little-used during the past several years, due largely to the changing nature of the surrounding community. The focused redevelopment of this area of Kansas City, known as the River Market area, has been underway for more than two decades. What formerly was an industrial/warehousing area has been changing for a number of years over to residential and mixed-use retail, along with some light commercial enterprises. The City has extensive future plans for further redevelopment of the area. The City fully supports this abandonment as it will bring important public benefits to the local community, consistent with long-standing City efforts.

KCSR states that there has been no service on the Second Street Track for at least six months. Although during the past two years this line was used for a transload operation, as well as local service, the transloading operation stopped over six months ago and has been relocated to Coburg Yard east of Kansas City. Other than the transload operation, there was only one carload of local traffic on the line in the past two years. That car moved to Republic Fiber, located on a spur connecting to Track 741. Republic Fiber has since ceased doing business at that location and has boarded up those facilities. There are no other prospects for future rail shipments on the line. There will not be any diversion of rail traffic to trucks as a result of the abandonment.

ENVIRONMENTAL REVIEW

KCSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. KCSR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

KCSR anticipates that no prime agricultural lands are affected by the proposed abandonment. The Natural Resources Conservation Service in St. Joseph, Missouri, has indicated to KCSR by telephone that developed urban land is exempt from treatment as prime farmland. The U.S. Fish and Wildlife Service in Columbia, Missouri, has determined that no federally listed species or critical habitat occurs within the project area. The Missouri Department of Natural Resources, Kansas City regional office, indicated by telephone to KCSR that the proposed action would require a state land disturbance permit only if an acre or more of land is being disturbed and the City of Kansas City requires a land disturbance permit.

HISTORIC REVIEW

KCSR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. KCSR served the report on the Missouri Department of Natural Resources, State Historic Preservation (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that the Second Street Track is within the boundaries of the Old Town Historic District, a property listed in the National Register of Historic Places and may be eligible as a contributing property to the Historic District. The Second Street Track project area is also adjacent to the Town of Kansas Archaeological Site, a property determined to be eligible for inclusion in the National Register of Historic Places. The SHPO has determined that the abandonment may have an adverse effect on the historic fabric of the Old Town Historic District. We will notify the Advisory Council on Historic Preservation and determine their participation pursuant to 36 CFR part 800.6. We will begin consultation with the SHPO to determine ways of resolving any adverse effect.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

1. KCSR shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-103 (Sub No. 17X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: June 7, 2004.

Comment due date: **July 7, 2004 (30 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

